



COPY OF PAPERS  
ORIGINALLY FILED

Express Mail No. EL 477 036 930 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsipouras *et al.*

Serial No.: 10/091,360

Group Art Unit: 1637

Filed: March 4, 2002

Examiner: To be assigned

For: METHOD AND APPARATUS FOR  
COMPUTER CONTROLLED RARE  
CELL, INCLUDING FETAL CELL,  
BASED DIAGNOSIS

Attorney Docket No.: 9952-042-999

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.56**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Attorneys for Applicants hereby direct the Examiner's attention to the references listed on the attached revised form PTO 1449. Under 37 C.F.R. § 1.98(d), copies of references AA-AZ have not been submitted because the references were supplied in Application Serial No. 09/421,956, filed October 20, 1999, which this application claims priority under 35 U.S.C. § 120.

Identification of the listed references is not to be construed an admission of Applicants or Attorneys for Applicants that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art." As an

alternative, Applicants submit herewith a "revised form PTO 1449" entitled "List of References Cited" instead of "List of Prior Art Cited."

Since this Disclosure Statement is being submitted before an Office Action has been received on its merit, no fee is believed due. If a fee is deemed necessary, please charge all required fees to Pennie & Edmonds LLP Deposit Account No. 16-1150. A duplicate of this sheet is enclosed.

Applicants respectfully request that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Respectfully submitted,

*St K Fukuda*  
STEVEN K FUKUDA (REG NO 44690)

Date June 17, 2002

31,232  
Geraldine F. Baldwin (Reg. No.)

PENNIE & EDMONDS LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711

(212) 790-9090

*Enclosures*

## LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

9952-042-999

APPLICATION NO.

10/091,360

APPLICANT

Tsipouras *et al.*

FILING DATE

March 4, 2002

GROUP

1637

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6,136,540	10/24/00	Tsipouras <i>et al.</i>			
	AB	5,889,881	03/30/99	MacAulay <i>et al.</i>			
	AC	5,740,269	04/14/98	Oh <i>et al.</i>			
	AD	5,352,613	10/04/94	Tafas <i>et al.</i>			
	AE	4,983,044	01/08/91	Schweber			
	AF	4,513,438	04/23/85	Graham <i>et al.</i>			
	AG	6,151,405	11/21/00	Douglass <i>et al.</i>			
	AH	6,215,892 B1	04/10/01	Douglas <i>et al.</i>			

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AI	WO 99/58972	11/18/99	PCT				
	AJ	WO 99/08091	02/18/99	PCT				
	AK	WO 99/02960	01/21/99	PCT				
	AL	WO 97/43732	11/20/97	PCT				
	AM	WO 97/20198	06/07/97	PCT				
	AN	WO 94/02646	02/03/94	PCT				
	AO	WO 93/18186	09/16/93	PCT				
	AP	EP 0 713 086 B1	04/14/99	EPO				
	AQ	EP 0 595 506	05/04/94	EPO				

## OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AR	Baxes, 1994, "Digital Image Processing, Passage", U.S., New York, Wiley, pp.127-137
	AS	Lizardi <i>et al.</i> , 1998, "Mutation Detection and Single-Molecule Counting Using Isothermal Rolling-circle Amplification", <i>Nature Genetics</i> , 19(3):225-232
	AT	Mesker <i>et al.</i> , 1994, "Detection of Immunocytochemically Stained Rare Events Using Image Analysis", <i>Cytochemistry</i> 17:209-215
	AU	Oosterwijk <i>et al.</i> , 1998, "Strategies for Rare-Event Detection: An Approach for Automated Fetal Cell Detection in Maternal Blood", <i>Am. J. Hum. Genet.</i> 63:1783-1792
	AV	Oosterwijk <i>et al.</i> , 1998, "Development of a Preparation and Staining Method for Fetal Erythroblasts in Maternal Blood: Simultaneous Immunocytochemical Staining and FISH Analysis", <i>Cytometry</i> 32:170-177
	AW	Oosterwijk <i>et al.</i> , 1998, "Fetal Cell Detection in Maternal Blood: A Study in 236 Samples Using Erythroblast Morphology, DAB and HbF Staining, and FISH Analysis", <i>Cytometry</i> 32:178-185

AX	Tanke et al., 1996, "Detection of Rare Event" Fetal Erythroblasts in Maternal Blood Using Automated Microscopy", Early Human Development 47 Suppl.:S89-S93
AY	Verwoerd et al., 1987, "Somatic Cell Mutations in Humans Detected by Image Analysis of Immunofluorescently Stained Erythrocytes", in: <u>Clinical Cytometry and Histometry</u> , Burger et al., eds., Academic Press, pp. 465-469
AZ	"XL VISION Announces Advanced Imaging Technology For Early Detection of Metastatic Cancer", Press Release dated December 18, 1995. XL VISION, Sebastian, FL, pp. 7-11.

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

**COPY OF PAPERS  
ORIGINALLY FILED**